

REMARKS

In the present Amendment, Claim 1 has been amended to recite --the supporting base material does not contain a filler--. This amendment is supported by the specification at, for example, page 15, lines 15-16, and the Examples.

No new matter has been added, and the entry of the present Amendment is respectfully requested. Upon entry of the Amendment, Claims 1-3 and 5-8 will be all the claims pending in the application.

In Paragraph No. 3 of the Office Action, Claims 1-6 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fujisawa et al (U.S. Pat. No. 6,262,330). Further, in Paragraph No. 4 of the Office Action, Claims 1-6 and 8 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Fujisawa et al. Last, in Paragraph No. 5 of the Office Action, Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Fujisawa et al in view of “admitted prior art,” or in view of Yazaki et al (U.S. Pat. No. 5,326,627).

Applicants respectfully submit that Claims 1-3 and 5-8 as amended are not anticipated or rendered obvious by the cited references for the following reasons.

Fujisawa et al is based on two Japanese applications, i.e., JP-A-2000-166966 (JP 10-342824) and JP-A-2000-169609 (JP 10-351558). Applicants submit that Fujisawa et al is a mere combination of JP ‘609 and JP ‘966.

JP '609 discloses the use of the purified castor oil, fillers and the like. A main claim of JP '609 corresponds to Claim 4 of Fujisawa et al, which is directed to a microporous film. That is, JP '609 relates to a microporous film which can be obtained by stretching a film containing a purified castor oil and fillers such as calcium carbonate.

JP '966 does not disclose a fatty acid, a fatty acid ester such as a purified castor oil or fillers. A stretchable base material having good moisture permeability is used.

In view of the above, in Fujisawa et al, an embodiment containing a purified castor oil, necessarily also contains calcium carbonate (fillers), and a microporous film is formed. On the other hand, an embodiment which is not directed to a microporous film, does not contain a purified castor oil.

That is, Fujisawa et al does not disclose or suggest an embodiment which contains a fatty acid ester (e.g., purified castor oil), but does not contain a filler, as recited in the present Claim 1.

In view of the above, the present invention is not anticipated or rendered obvious by Fujisawa et al, taken alone or in view of the secondary references because the secondary references do not rectify the deficiencies of Fujisawa et al. Therefore, the rejections should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/934,578

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

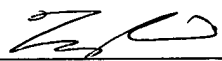
Respectfully submitted,

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